

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Amabile

1 Amend printed bill, page 7, strike lines 2 through 13 and substitute:

2 ~~"(1.5) (5) "Behavioral health entity" means a facility or provider~~
3 ~~organization engaged in providing community-based health services,~~
4 ~~which may include behavioral health disorder services, alcohol use~~
5 ~~disorder services, or substance use disorder services, including crisis~~
6 ~~stabilization, acute or ongoing treatment, or community mental health~~
7 ~~center services as described in section 27-66-101 (2) and (3), but does not~~
8 ~~include:~~

9 ~~(a) Residential child care facilities as defined in section 26-6-102~~
10 ~~(33); or~~

11 ~~(b) Services provided by a licensed or certified mental health-care~~
12 ~~provider under the provider's individual professional practice act on the~~
13 ~~provider's own premises~~ HAS THE SAME MEANING AS SET FORTH IN
14 SECTION 27-50-101."

15 Page 8, lines 25 and 26, strike "community mental health center or clinic,
16 acute treatment unit, institution," and substitute "~~community mental~~
17 ~~health center or clinic, acute treatment unit, institution,"~~

18 Page 14, line 1, after "(5)" insert "(a)".

19 Page 14, after line 14 insert:

20 "(b) THIS SUBSECTION (5) DOES NOT APPLY TO A PERSON ON AN
21 EMERGENCY MENTAL HEALTH HOLD IN AN EMERGENCY MEDICAL SERVICES
22 FACILITY."

23 Page 27, line 4, strike "aggregate" and substitute "~~aggregate~~
24 ~~DISAGGREGATED~~".

25 Page 27, line 17, strike "aggregated" and substitute "~~aggregated~~
26 ~~DISAGGREGATED~~".

27 Page 29, line 27, after "DETAINED" insert "UNDER AN EMERGENCY
28 TRANSPORTATION HOLD PURSUANT TO THIS SECTION".

29 Page 30, lines 1 and 2, strike "AN EVALUATION" and substitute "A
30 SCREENING".

31 Page 30, line 3, strike "FACILITY;" and substitute "FACILITY. THIS

1 SUBSECTION (4)(a)(I) DOES NOT PROHIBIT A FACILITY FROM HOLDING THE
2 PERSON AS AUTHORIZED BY STATE AND FEDERAL LAW, INCLUDING THE
3 FEDERAL "EMERGENCY MEDICAL TREATMENT AND LABOR ACT", 42
4 U.S.C. SEC. 1395dd, OR IF THE TREATING PROFESSIONAL DETERMINES
5 THAT THE INDIVIDUAL'S PHYSICAL OR MENTAL HEALTH DISORDER IMPAIRS
6 THE PERSON'S ABILITY TO MAKE AN INFORMED DECISION TO REFUSE CARE
7 AND THE PROVIDER DETERMINES THAT FURTHER CARE IS INDICATED."

8 Page 30, line 12, strike "DETAINMENT, INCLUDING A CELL PHONE;" and
9 substitute "DETAINMENT. A FACILITY MAY TEMPORARILY RESTRICT A
10 PERSON'S ACCESS TO PERSONAL CLOTHING OR PERSONAL POSSESSIONS
11 UNTIL A SAFETY ASSESSMENT IS COMPLETED. IF THE FACILITY RESTRICTS
12 A PERSON'S ACCESS TO PERSONAL CLOTHING OR PERSONAL POSSESSIONS,
13 THE FACILITY SHALL HAVE A DISCUSSION WITH THE PERSON ABOUT WHY
14 THE PERSON'S PERSONAL CLOTHING OR PERSONAL POSSESSIONS ARE BEING
15 RESTRICTED. A LICENSED MEDICAL PROFESSIONAL OR A LICENSED
16 BEHAVIORAL HEALTH PROFESSIONAL SHALL CONDUCT A SAFETY
17 ASSESSMENT AS SOON AS POSSIBLE. THE LICENSED PROFESSIONAL SHALL
18 DOCUMENT IN THE PERSON'S MEDICAL RECORD THE SPECIFIC REASONS WHY
19 IT IS NOT SAFE FOR THE PERSON TO POSSESS THE PERSON'S PERSONAL
20 CLOTHING OR PERSONAL POSSESSIONS.

21 (IV) TO KEEP AND USE THE PERSON'S CELL PHONE, UNLESS ACCESS
22 TO THE CELL PHONE CAUSES THE PERSON TO DESTABILIZE OR CREATES A
23 DANGER TO THE PERSON'S SELF OR OTHERS, AS DETERMINED BY A
24 PROVIDER, FACILITY STAFF MEMBER, OR SECURITY PERSONNEL INVOLVED
25 IN THE PERSON'S CARE;"

26 Renumber succeeding subparagraphs accordingly.

27 Page 30, strike lines 24 and 25 and substitute "SERVICE CAUSES THE
28 PERSON TO DESTABILIZE OR CREATES A DANGER TO THE PERSON'S SELF OR
29 OTHERS, AS DETERMINED BY A LICENSED PROVIDER".

30 Page 54, lines 5 and 6, strike "BEHAVIORAL HEALTH ADMINISTRATION"
31 and substitute "RULES OF THE BHA".

32 Page 68, line 23, before "NECESSARY" insert "AND DEVELOP AND
33 DISTRIBUTE ANY APPLICATIONS OR FORMS".

34 Page 74, line 8, after "THE" insert "PERSON OR AN EMERGENCY MEDICAL
35 SERVICES PROVIDER IN TRANSPORTING THE".

36 Page 74, strike lines 15 through 23.

- 1 Page 75, strike lines 12 through 19.
- 2 Page 76, line 2, strike "EMERGENCY MEDICAL SERVICES PROVIDER,".
- 3 Page 76, line 5, strike "PERSON." and substitute "PERSON, OR ASSISTANCE
4 FROM AN EMERGENCY MEDICAL SERVICES PROVIDER IN TRANSPORTING
5 THE PERSON.".
- 6 Page 76, line 6, after "(I)" insert "Any".
- 7 Page 76, strike line 27 and substitute "IS PLACED OR ORDERED.".
- 8 Page 77, strike lines 1 and 2 and substitute "NOTHING IN THIS SECTION
9 PROHIBITS AN EMERGENCY MEDICAL SERVICES FACILITY FROM
10 INVOLUNTARILY HOLDING THE PERSON IN ORDER TO STABILIZE THE
11 PERSON AS REQUIRED PURSUANT TO THE FEDERAL "EMERGENCY MEDICAL
12 TREATMENT AND LABOR ACT", 42 U.S.C. SEC. 1395dd, OR IF THE
13 TREATING PROFESSIONAL DETERMINES THAT THE INDIVIDUAL'S PHYSICAL
14 OR MENTAL HEALTH DISORDER IMPAIRS THE PERSON'S ABILITY TO MAKE
15 AN INFORMED DECISION TO REFUSE CARE AND THE PROVIDER DETERMINES
16 THAT FURTHER CARE IS INDICATED.".
- 17 Page 77, lines 7 and 8, strike "~~executive director~~ COMMISSIONER," and
18 substitute "commissioner,".
- 19 Page 77, line 21, strike "OR CERTIFIED PEACE OFFICER." and substitute "or
20 certified peace officer.".
- 21 Page 77, lines 23 and 24, strike "~~the provisions of section 27-65-121 (4)~~
22 SECTION 27-65-123 (4)." and substitute "section 27-65-123 (4).".
- 23 Page 78, line 26, strike "~~executive director~~ COMMISSIONER," and
24 substitute "commissioner,".
- 25 Page 78, line 27, before "certified" insert "A".
- 26 Page 79, line 25, strike "~~executive director~~ COMMISSIONER" and substitute
27 "commissioner".
- 28 Page 80, line 18, after "ORDERED." insert "NOTHING IN THIS SECTION
29 PROHIBITS AN EMERGENCY MEDICAL SERVICES FACILITY FROM
30 INVOLUNTARILY HOLDING THE PERSON IN ORDER TO STABILIZE THE
31 PERSON AS REQUIRED PURSUANT TO THE FEDERAL "EMERGENCY MEDICAL

1 TREATMENT AND LABOR ACT", 42 U.S.C. SEC. 1395dd, OR IF THE
2 TREATING PROFESSIONAL DETERMINES THAT THE INDIVIDUAL'S PHYSICAL
3 OR MENTAL HEALTH DISORDER IMPAIRS THE PERSON'S ABILITY TO MAKE
4 AN INFORMED DECISION TO REFUSE CARE AND THE PROVIDER DETERMINES
5 THAT FURTHER CARE IS INDICATED."

6 Page 80, line 23, strike "DURING THE".

7 Page 80, strike lines 24 and 25.

8 Page 82, line 5, strike "SECTION" and substitute "SECTION,".

9 Page 82, strike lines 6 and 7 and substitute "THE".

10 Page 82, line 9, strike "BEHAVIORAL HEALTH ADMINISTRATION." and
11 substitute "BHA IF THE FACILITY CANNOT LOCATE APPROPRIATE
12 PLACEMENT."

13 Page 82, line 16, strike "SECTION," and substitute "SECTION AND THE
14 PERSON HAS BEEN MEDICALLY STABILIZED,".

15 Page 82, line 18, strike "HOLD AND" and substitute "HOLD. IF THE
16 FACILITY PLACES THE PERSON UNDER A SUBSEQUENT EMERGENCY MENTAL
17 HEALTH HOLD,".

18 Page 82, line 21, after "PERSON." insert "THE BHA IS RESPONSIBLE FOR
19 ACTIVELY ASSISTING THE FACILITY IN LOCATING APPROPRIATE PLACEMENT
20 FOR THE PERSON."

21 Page 85, line 9, after "(d)" insert "(I)".

22 Page 85, after line 18, insert:

23 "(II) IF THE PERSON IS ENROLLED IN MEDICAID, THE FACILITY IS
24 NOT REQUIRED TO MEET THE REQUIREMENTS OF THIS SUBSECTION (8)(d)
25 AND INSTEAD, THE FACILITY SHALL NOTIFY THE PERSON'S RELEVANT
26 MANAGED CARE ENTITY, AS DEFINED IN SECTION 25.5-5-403, OF THE
27 PERSON'S DISCHARGE AND NEED FOR ONGOING FOLLOW-UP CARE PRIOR TO
28 THE PERSON'S DISCHARGE.

29 (III) IF THE FACILITY CONTRACTS WITH A SAFETY NET PROVIDER,
30 AS DEFINED IN SECTION 27-50-101, TO PROVIDE BEHAVIORAL HEALTH
31 SERVICES TO A PERSON ON AN EMERGENCY MENTAL HEALTH HOLD, THE
32 FACILITY SHALL WORK WITH THE SAFETY NET PROVIDER IN ORDER TO MEET

- 1 THE REQUIREMENTS OF THIS SUBSECTION (8)(d)."
- 2 Page 86, line 4, strike "~~department~~ BEHAVIORAL HEALTH
3 ADMINISTRATION" and substitute "BHA".
- 4 Page 86, line 5, strike "aggregate" and substitute "disaggregated".
- 5 Page 86, line 17, strike "aggregated" and substitute "disaggregated".
- 6 Page 86, line 18, strike "~~department~~ BEHAVIORAL HEALTH
7 ADMINISTRATION" and substitute "BHA".
- 8 Page 87, lines 1 and 2, strike "~~department~~ BEHAVIORAL HEALTH
9 ADMINISTRATION" and substitute "BHA".
- 10 Page 90, lines 26 and 27, strike "~~by the executive director~~ BY THE
11 COMMISSIONER" and substitute "by the commissioner".
- 12 Page 129, after line 18 insert:

13 **"SECTION 52.** In Colorado Revised Statutes, 25-3.5-103, **amend**
14 (11.4)(b)(I) as follows:

15 **25-3.5-103. Definitions.** As used in this article 3.5, unless the
16 context otherwise requires:

17 (11.4) (b) Secure transportation includes:

18 (I) For an individual being transported pursuant to ~~section~~
19 ~~27-65-103 or 27-65-105 (1)~~ SECTION 27-65-104 OR 27-65-106 (1),
20 transportation from the community to a facility designated by the
21 ~~executive director~~ COMMISSIONER OF THE BEHAVIORAL HEALTH
22 ADMINISTRATION IN the department of human services for treatment and
23 evaluation pursuant to article 65 of title 27;

24 **SECTION 53.** In Colorado Revised Statutes, 25.5-4-103, **amend**
25 **as it exists until July 1, 2024,** (3) as follows:

26 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
27 and 6 of this title 25.5, unless the context otherwise requires:

28 (3) "Case management services" means services provided by
29 community-centered boards, as defined ~~by~~ IN section 25.5-10-202, and
30 community mental health centers and community mental health clinics,
31 as defined ~~by~~ IN section 27-66-101, to assist persons with intellectual and
32 developmental disabilities, as defined ~~by~~ IN section 25.5-10-202, and
33 persons with mental health disorders, as defined ~~by~~ IN section 27-65-102,
34 ~~(11.5)~~; by case management agencies, as defined in section 25.5-6-303
35 (5), providing case management services, as defined in sections

1 25.5-6-104 (2)(b) and 25.5-6-303 (6), to persons with a disability, persons
2 who are elderly or blind, and long-term care clients, in gaining access to
3 needed medical, social, educational, and other services.

4 **SECTION 54.** In Colorado Revised Statutes, 26-20-103, **amend**
5 (3) as follows:

6 **26-20-103. Basis for use of restraint or seclusion.** (3) In
7 addition to the circumstances described in subsection (1) of this section,
8 a facility, as defined in section 27-65-102, (~~7~~); that is designated by the
9 ~~executive director of~~ COMMISSIONER OF THE BEHAVIORAL HEALTH
10 ADMINISTRATION in the state department to provide treatment pursuant to
11 ~~section 27-65-105, 27-65-106, 27-65-107, or 27-65-109~~ SECTION
12 27-65-106, 27-65-108, 27-65-109, OR 27-65-110 to an individual with a
13 mental health disorder, as defined in section 27-65-102, (~~11.5~~); may use
14 seclusion to restrain an individual with a mental health disorder when the
15 seclusion is necessary to eliminate a continuous and serious disruption of
16 the treatment environment.

17 **SECTION 55.** In Colorado Revised Statutes, 27-60-104, **amend**
18 (3) as follows:

19 **27-60-104. Behavioral health crisis response system - crisis**
20 **service facilities - walk-in centers - mobile response units - report.**
21 (3) (a) ~~On or before January 1, 2018,~~ All walk-in centers throughout the
22 state's crisis response system must be appropriately designated by the
23 ~~executive director~~ COMMISSIONER for a ~~seventy-two-hour treatment and~~
24 ~~evaluation~~ AN EMERGENCY MENTAL HEALTH HOLD, adequately prepared,
25 and properly staffed to accept an individual through the ~~emergency~~
26 ~~mental health~~ procedure outlined in ~~section 27-65-105~~ SECTION 27-65-106
27 or a voluntary application for mental health services pursuant to ~~section~~
28 ~~27-65-103~~ SECTION 27-65-103 OR 27-65-104. Priority for individuals
29 ~~receiving emergency placement~~ PLACED UNDER AN EMERGENCY MENTAL
30 HEALTH HOLD pursuant to ~~section 27-65-105~~ SECTION 27-65-106 is on
31 treating high-acuity individuals in the least restrictive environment
32 without the use of law enforcement

33 (b) Increasing the ability of walk-in centers to accept individuals
34 through ~~the~~ AN emergency mental health ~~procedure~~ HOLD outlined in
35 ~~section 27-65-105~~ SECTION 27-65-106 or a voluntary application for
36 mental health services pursuant to ~~section 27-65-103~~ SECTION 27-65-103
37 OR 27-65-104 may include, but is not limited to, purchasing, installing,
38 and using telehealth operations for mobile crisis evaluations in
39 partnership with hospitals, clinics, law enforcement agencies, and other
40 appropriate service providers."

41 Renumber succeeding sections accordingly.

1 Strike "executive director" and substitute "~~executive director~~
2 COMMISSIONER" on: **Page 20**, line 24; **Page 21**, line 9; **Page 22**, lines 7,
3 9, 12, 15, and 23; **Page 23**, line 12; **Page 24**, line 25; **Page 25**, line 24;
4 and **Page 35**, line 15.

5 Strike "department" and substitute "department BHA" on: **Page 27**, lines
6 4 and 18; **Page 28**, line 1; **Page 49**, lines 16 and 26; and **Page 50**, line 6.

7 Strike "BEHAVIORAL HEALTH ADMINISTRATION-APPROVED" and substitute
8 "BHA-APPROVED" on: **Page 31**, line 1; and **Page 77**, lines 8 and 9.

9 Strike "BEHAVIORAL HEALTH ADMINISTRATION" and substitute "BHA" on:
10 **Page 40**, line 2; **Page 41**, line 16, and 18 and 19; **Page 44**, line 24; **Page**
11 **53**, line 18 and 25; **Page 56**, line 6, and 10 and 11; **Page 57**, line 15; **Page**
12 **68**, line 21 and 22, and 25; **Page 69**, line 14, and 22 and 23; **Page 71**, line
13 4 and 5, and 24; **Page 73**, line 13; **Page 91**, line 24; **Page 93**, lines 14 and
14 15; and **Page 94**, line 15.

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